

## **REMARKS**

This Response is submitted in reply to the Final Office Action dated March 2, 2009, and in conjunction with the enclosed Request for Continued Examination. Claims 1-41 have been cancelled. New Claims 42-76 have been newly added. The new claims do not add new matter as set forth below. In view of the new claims and/or for the reasons set forth below, Applicant respectfully submits that the rejections should be withdrawn.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

### **I. Rejections under 35 U.S.C. 103**

The Office Action rejected Claims 1-3, 6-9, 14-18, 22, 23, 26, 27, 30, 31, and 34-41 under 35 U.S.C. §103(a) over Ikedo, et al. (U.S. Patent No. 6,195,503; “Ikedo”) in view of Fujita (U.S. Patent No. 5,933,570). This rejection is moot due to the cancellation of Claims 1-3, 6-9, 14-18, 22, 23, 26, 27, 30, 31, and 34-41.

The Office Action rejected Claims 4, 10-12, 19, 20, 24, 28 and 32 under 35 U.S.C. §103(a) over Ikedo in view of Fujita and further in view of Suzuki (U.S. Patent No. 5,751,356). This rejection is moot due to the cancellation of Claims 4, 10-12, 19, 20, 24, 28 and 32.

### **II. New Claims**

Applicant has added new Claims 42-76. New Claims 42-76 contain subject matter similar to the subject matter previously recited in cancelled Claims 1-41. At least Figures 3, 5, 6, 12, 20, and 21 and the related description of such figures in Applicant’s specification support these new claims.

#### **A. New Independent Claims 42, 61, 70, 73, and 76**

New independent Claim 42 is directed to a file recording device which recites, in part, “at least one memory device configured to store: (i) a file of a predetermined format, and (ii) a plurality of instructions, which when executed by the at least one processor, cause the at least

one processor to operate with the at least one recording device to: . . . (a) manage an actual data block of the file . . . ; (b) manage a management information block of the file, the management information block including management information arranged in a hierarchical structure, the management information including . . . a non-destructive editing section configured to store information to enable non-destructive editing of the at least one program stream. . . ; and (c) record the at least one program stream to the at least one memory device based on the priority information, wherein the at least one video stream is reproducible from the file independent of the at least one program stream, and wherein the at least one audio stream is reproducible from the file independent of the at least one program stream.”

Applicant respectfully submits that neither Ikedo, Fujita, nor Suzuki whether considered alone or in combination anticipate or render obvious such elements. The Office Action recognized that Ikedo does not disclose “information necessary for non-destructive editing” and relied on Fujita for such element. Fujita discloses a data recording and/or reproducing system that manages video data and speech data independently (col. 15, lines 39-43), but such video data and speech data do not anticipate or render obvious information to enable non-destructive editing of at least one program stream (which includes video data and audio data multiplexed together). The Office Action further relied on Suzuki for indicating whether video data is encoded using open or closed group of pictures (GOP). Accordingly, regardless whether Fujita and Suzuki could be properly combined with Ikedo, the combination of Ikedo, Fujita and Suzuki would not anticipate or render obvious “a non-destructive editing section configured to store information to enable non-destructive editing of the at least one program stream,” as claimed.

Additionally, Ikedo discloses an image and sound recording or reproducing apparatus which includes a storage medium (see element 12 of Figs. 1 and 6) and a multiplex separation unit (see element 11 of Figs. 1 and 6). According to Fig. 4a of Ikedo, the storage medium stores control information which “designates a control area for storing information in which ones of the aforesaid still picture compressed files are associated with correlated sound compressed files, and in which a control file designating an order for reproduction, time control and the like is recorded.” Thus, although the control information of Ikedo correlates the compressed files for still pictures with the compressed files for sounds in the recording area, the control information merely manages the order or timing for reproducing such files. Accordingly, the control information resulting from the combination of Ikedo, Fujita and Suzuki would not anticipate or render obvious management information arranged in a hierarchical structure, as claimed.

Further, Ikedo discloses that the multiplex separation unit separates the still picture and the sound via the headers (e.g., headers 52 and 54). However, in Ikedo, the reproduction of the still picture depends on the reproduction of the sound. Thus, the multiplex separation unit resulting from the combination of Ikedo, Fujita and Suzuki would not anticipate or render obvious to record the at least one program stream to the at least one memory device based on the priority information, wherein the at least one video stream is reproducible from the file independent of the at least one program stream, and wherein the at least one audio stream is reproducible from the file independent of the at least one program stream, as claimed.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that new independent Claim 42 is patentably distinguished over the combination of Ikedo, Fujita and Suzuki and in condition for allowance.

New independent Claims 61, 70, 73, and 76 each include certain similar elements to new independent Claim 42. For reasons similar to those discussed above with respect to new independent Claim 42, new independent Claims 61, 70, 73, and 76 (and their respective dependent claims) are each patentably distinguished over the combination of Ikedo, Fujita and Suzuki and in condition for allowance.

#### B. New Independent Claims 49, 64, 71, and 74

New Claim 49 is directed to a file reproducing device which recites, in part, "at least one memory device configured to store: (i) a file of a predetermined format, and (ii) a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one recording device to: (a) manage an actual data block of the file . . . ; (b) manage a management information block of the file, the management information block including management information arranged in a hierarchical structure, the management information including . . . a non-destructive editing section configured to store information to enable non-destructive editing of the at least one program stream. . . ; and (c) reproduce the at least one program stream from the file of the predetermined format based on the priority information, wherein the at least one video stream is reproducible from the file independent of the at least one program stream, and wherein the at least one audio stream is reproducible from the file independent of the at least one program stream."

At least for the reasons set forth above with respect to new independent Claim 42, Applicant respectfully submits that new independent Claim 49 is patentably distinguished over the combination of Ikedo, Fujita and Suzuki and in condition for allowance.

New independent Claims 64, 71, and 74 each include certain similar elements to new independent Claim 49. For reasons similar to those discussed above with respect to new independent Claim 49, new independent Claims 64, 71, and 74 (and their respective dependent claims) are each patentably distinguished over the combination of Ikedo, Fujita and Suzuki and in condition for allowance.

C. New Independent Claims 56, 67, 72, and 75

New Claim 56 is directed to a file editing device which recites, in part, "at least one memory device configured to store: (i) a file of a predetermined format, and (ii) a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one recording device to: . . . (a) manage an actual data block of the file . . . ; (b) manage a management information block of the file, the management information block including management information arranged in a hierarchical structure, the management information including . . . a non-destructive editing section configured to store information to enable non-destructive editing of the at least one program stream. . . ; (c) determine whether to edit the at least one program stream based on the editing information; and (d) if the determination is to edit the at least one program stream: (i) reproduce the at least one program stream from the file, wherein the at least one video stream is reproducible from the file independent of the at least one program stream, and wherein the at least one audio stream is reproducible from the file independent of the at least one program stream, and (ii) edit the reproduced program stream."

At least for the reasons set forth above with respect to new independent Claim 42, Applicant respectfully submits that new independent Claim 56 is patentably distinguished over the combination of Ikedo, Fujita and Suzuki and in condition for allowance.

New independent Claims 67, 72, and 75 each include certain similar elements to new independent Claim 56. For reasons similar to those discussed above with respect to new independent Claim 56, new independent Claims 67, 72, and 75 (and their respective dependent claims) are each patentably distinguished over the combination of Ikedo, Fujita and Suzuki and in condition for allowance.

### **III. Conclusion**

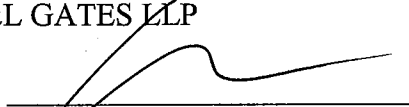
For at least the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of the same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-549 on the account statement.

Respectfully submitted,

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